

9 JAN. 1987

TELEFAX

TO: I.C. Sargeant

DATE: January 8/1986

FROM: T.L. Wells

CC: B.B. Brooks
M.D. Horst

RE: EEC Action Programme on Cancer

Attached please find draft responses to points 4 (warning labels) and 12 (advertising and sponsorship) for your consideration. The paper regarding point 11 (public smoking) is currently being finalised and will be forwarded to you later ~~this morning~~.

Good copy
As agreed, these have been drafted in fairly tight summary form on which we can easily expand if necessary. Please note that I have purposely used considerable previously cleared phraseology to facilitate end approval of these texts.

I look forward to having your comments at the earliest in order to finalise these within your deadline. Please also confirm whether the latter is necessarily fixed for Friday, 9th January. Obviously, the texts would benefit from our having additional time for further refinement.

With my best regards,

T. Wells

No. of pages (including this one)

9

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NOTE RE PROPOSAL 4 (LABELING) - EEC PROGRAMME ON CANCER

1. It is unclear whether this proposal addresses health warnings and/or constituent labeling. The current text is so written as to relate to both but may require strengthening with regard to constituent labeling.
2. PR/PA agencies should be contacted to provide any other national surveys which may be available to support paragraph and reference 2.

Jhu

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*do women
(only) warning?*

EEC ACTION PROGRAMME ON CANCER - LABELING

In its "Action Programme Against Cancer," the EC Commission has proposed the harmonisation of labeling for tobacco products within the Community. Consideration of this proposal should take into account the following points:

- 1) Public health policy is a domain best determined by national governments in light of public needs and cultural contexts of each country. What may be relevant and meaningful consumer information in one country may be quite inappropriate or confusing in another. Thus, imposition of such policy on a regional basis could hinder rather than help consumers. Also, some have warned of the risk of over-warning the public leading to a reduction in public confidence in government.¹
- 2) Efforts to increase public information on the alleged health risks of smoking are based on the misconception that people who smoke do so because they are unaware or not adequately informed. In fact, present package labeling has fulfilled its function of informing consumers. Studies show that the vast majority of people are not only aware of but also believe the claimed connection between smoking and health.² *under-edges*
- 3) Research shows that whether one smokes or quits smoking is a very individual decision and bears little relation to product labeling.³ The fact that millions of people continue to smoke despite their demonstrated awareness of the alleged risks is merely an indication that they have exercised their freedom of informed choice. Thus, it is highly unlikely that harmonised labeling would substantially increase the already high public awareness on smoking and health or reduce tobacco consumption. At best, it may have implications on consumer switching of brand or product loyalties.
- 4) New labeling may be counter-productive by causing unanticipated reactions of increasing the wish to smoke or youth's desire to experiment with tobacco products.⁴
- 5) Should harmonised labeling nevertheless be deemed appropriate, in consumers' interests such labels:
 - should be balanced neither exaggerating nor misstating the scientific fact;
 - should not be open to conflicting or ambiguous interpretation;
 - should be attributed to an appropriate government authority; and
 - should not detract from package designs, valuable commercial assets established over many years at considerable expense to industry.

*add) + 1m. legal
ref. right*

*25 footnote substantiation based (only) on the US.
population exposure? Good if EEC member
evidence could be obtained + cited.*

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REFERENCES - LABELING

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2. Marsh, A. and Matheson J., "Smoking and illness, Chapter 5 in Smoking Attitudes and Behaviour, an enquiry carried out on behalf of the U.K. Department of Health and Social Security, Office of Population Censuses and Surveys. Social Survey Division (London: HMSO, United Kingdom), 1983.

TO INCLUDE OTHER NATIONAL, EEC, AND WHO STUDIES. *for which notes?*

3. U.S. Department of the Treasury and U.S. Department of Health and Human Services, Report to the President and the Congress on Health Hazards Associated with Alcohol and Methods to Inform the General Public of these Hazards, November 1980, reprinted in part in U.S. Congress, House Committee on Energy and Commerce, Subcommittee on Health and the Environment, Smoking Prevention Education Act, Hearings, 98th Congress (March 9 and 17, 1983), pp. 309-317.

Blaney, N.T., "Cigarette smoking in Children and Young Adolescents: Causes and Prevention," Advances in Behavioural Pediatrics 2 : pp. 191-217, 1981.

4. Hyland, M. and Birrell, J., "Government Health Warnings and the 'Boomerang' Effect," Psychological Reports 44 : pp. 643-647, 1979.

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① Does this go before giving
the agreement?
② what place this one
125

EEC ACTION PROGRAMME ON CANCER - ADVERTISING & SPONSORSHIP

A study of national provisions and preparation of proposals to limit advertising and sponsorship is foreseen in the EEC Commission's "Action Programme Against Cancer." The following considerations should be taken into account in this regard:

- 1) Consumer protection laws providing sensible protection of the public against false or misleading advertising claims are clearly appropriate and are already addressed by . Thus, additional legislation on tobacco advertising within the current context, is unnecessary and unwarranted.
- 2) The obvious goal of reducing tobacco consumption will not be achieved by further limitations on tobacco advertising and sponsorship. Present restrictions or bans on tobacco advertising have not been shown to have a significant impact on tobacco consumption.
- 3) To imply that the Community's consumers can be manipulated by advertising is an insult to their integrity. Advertising, in fact, has been shown to have limited powers of direct persuasion -- it cannot force people to buy anything. It can only inform or influence individual choice once the consumer has already decided a particular product is needed.² Neither tobacco advertising nor sponsorship, nor current limitations thereof, have been shown to influence decisions to initiate³ or to quit use of tobacco products by adults⁴ or young people.⁴
- 4) Tobacco advertising's prime role is to stimulate brand switching and as a result, strengthen competition. There are no current campaigns encouraging people "to smoke" or "smoke more" -- only campaigns intended to get existing adult smokers to switch brands, or to remain with their present brand.⁵

Smoking is an adult custom, not something young people should do. Care is in fact taken not to use young models or celebrities in tobacco ads in order to reinforce this view.

- 5) Advertising provides consumers with important information -- limitations would rob consumers of free choice and product data essential to their informed purchase decisions as well as price and quality advantages gained from a freely competitive market supported by advertising.⁶

Furthermore, attempts to control consumer information may lead to unwarranted and clearly inappropriate censorship. In exercising its right to provide health education government should not deny consumers their right to receive information about perfectly legal products particularly if it allows them to make choices deemed by some to have health advantages.

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Research has shown that there has been a more rapid shift to filter and lower "tar" cigarettes in countries where tobacco advertising freedom prevails compared to those where such advertising is heavily restricted or banned.⁷

- 6) Tobacco sponsorship has wide public support for it benefits participants and the general public alike since many cultural and sporting activities could not even take place without such commercial support.⁸ The decision to accept tobacco company sponsorship or not is best left to the organisations involved in conformance with national regulations which already address cultural integrity and local consumer protection interests. Further limitation of commercial support of the arts and sport would greatly augment the necessity of public sector financing for these sectors.
- 7) The press and broadcast industry would be among chief victims of further restrictions on tobacco advertising and sponsorship since publishers and broadcast companies would have to cut jobs, increase prices, close down or look elsewhere - including to government or foreign investors - for funds. The Community now benefits from a wide range of free competing media just as it does from a wide choice of freely competing products -- additional legislation would threaten such benefits, may inflict irreversible economic damage on the Community's press and broadcast industry and would serve to restrict rather than promote competition, all to consumers' ultimate detriment.

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